

REMARKS

Applicants have received and reviewed the Office Action mailed December 27, 2007. Claims 1, 3-4, 6-13, 15-16, 18-25 and 27-28 and 31-39 are pending. Of these claims, claims 1, 13 and 25 independent. Applicants have corrected typographical errors in claims 3, 13 and 25; these amendments do not substantively change the claims, and the amendments do not add new matter. Applicants request reconsideration of the pending claims in view of the following remarks.

Examiner Interview Summary

Applicants would like to thank Examiner Vaughn for the courtesies extended during the telephone interview of February 13, 2007, during which Applicants discussed with the Examiner the Zak and Wahr references. In particular, as is described in greater detail below, Applicants argued that there is no motivation to combine Zak and Wahr with Ohnishi, as suggested by the Examiner. Furthermore, Zak and Wahr are nonanalogous art, and accordingly, the rejections based on Zak and Wahr are improper.

Claim Rejections—35 U.S.C. § 103

The Examiner rejected the independent claims—claims 1, 13 and 25—under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0187876 (“Ohnishi”) in view of U.S. Patent No. 5,265,207 (“Zak”), and in further view of U.S. Patent No. 6,073,119 (“Wahr”). For the reasons provided below, Applicants respectfully traverse the § 103 rejections.

In making rejections under § 103, “[t]he Examiner has the initial burden of factually supporting any *prima facie* conclusions.” MPEP § 2142. “To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation ... to modify the reference or combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations.” *Id.*

Applicants respectfully submit that, first, even assuming that combination of Ohnishi, Zak and Wahr is proper, there is no motivation to combine these references as the Examiner has suggested. Second, combination of Ohnishi, Zak and Wahr is improper because Zak and Wahr are nonanalogous art.

There is no motivation to combine Zak and Wahr with Ohnishi

First, assuming that Ohnishi, Zak and Wahr can be properly combined, a point which Applicants do not concede, there is no motivation to combine these references in the manner suggested by the Examiner. In particular, with respect to claim 1, a person dealing with the “office counter work supporting system” in Ohnishi would not look to Zak—a *digital hardware reference* directed to inter-processor communication in a parallel computer system—to modify a *user interface* of Ohnishi to have a “broadcast message from a supervisor work station” that is “received both by [an] interaction center agent device and by one or more other interaction center agent devices.”

Here, Applicants are not arguing that broadcast messages *per se* are novel. Rather, Applicants have recited a broadcast message in a specific context, which Applicants submit is patentable over the art of record. In its current form, claim 1 includes, *inter alia*, “receiving by an interaction center agent device, for presentation in a single user interface panel work area, information pertaining to a particular customer with whom a human interaction center agent viewing the user interface panel is interacting in an interaction cession” and “receiving by the interaction center agent device, for presentation in a common message on the user interface panel, an electronic broadcast message from a superior work station, the electronic broadcast message being received both by the interactive center agent device and by one or more other interaction centre agent devices.” There is no motivation to modify the teachings of Ohnishi with the teachings of Zak to obtain a broadcast message *as recited in claim 1*.

Similarly, a person dealing with the “office counter work supporting system” of Ohnishi would not look to Wahr—a reference directed to “banking facility layout and method and system for user interaction with automated and other features at a banking institution” (Wahr, col. 1, lines 8-10)—to modify Ohnishi to display an electronic broadcast message in a common

message area of a single user interface panel of an interaction agent device by automatically scrolling the electronic broadcast message across the common message area.

Applicants are not arguing here that scrolling text *per se* is novel. Rather, Applicants have recited a method for use in a customer interaction center system that includes a novel *combination* of elements, including displaying a broadcast message in a specific context, and in a specific manner, which Applicants submit is patentable over the art of record. There is no motivation to modify the teachings of Ohnishi with the teachings of Wahr to obtain scrolling *in the context recited by claim 1*.

In further support of Applicants' argument that there is no motivation to combine the references as the Examiner suggested, the computer-implemented method recited by claim 1 gives rise to significant advantages that are not contemplated by the art of record. For example, a system that has the capability of receiving broadcast messages (messages that are received at multiple interaction center agent devices) improves communication between agents and a supervisor (originally filed specification at page 3, lines 3-4) and enables flexibility in setting up an interaction center and precludes a need to arrange agents in view of a physical message board (*Id.* at page 4, lines 8-16). Automatically scrolling the broadcast messages across a common message area allows an agent to view the messages while interacting with a customer. (*Id.* at page 4, lines 29-30.)

Zak and Wahr are nonanalogous art

Second, the combination of Ohnishi, Zak and Wahr is improper because these references are nonanalogous art. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446 (Fed Cir. 1992). In determining whether a reference is analogous or nonanalogous, both the Patent Office classifications and "similarities and differences in structure and function of the inventions" are relevant. *Id.* Applicants submit that Zak and Wahr are nonanalogous art as evidenced by both Patent Office classifications and differences in the structure and function of the inventions.

As a point of reference, Applicants' invention is believed to be currently classified in 715/500.1, which Applicants believe to be described by¹:

715 Data processing: presentation processing of document, operator interface processsing and screen save display processing

 500 presentation processing of document

 500.1 synchronization of diverse media

Both Zak and Wahr are classified in completely different areas. In particular, Zak is believed to be currently classified 712/15, 370/408, 709/243, 709/252 and 712/22, which are believed to be described by the following²:

712 Electrical computers and digital processing systems: processing architectures and instruction processing (e.g., processors)

 1 processing architecture

 10 array processor

 11 array processor element interconnection

 15 reconfiguring

370 - multiplex communications

 351 pathfinding or routing

 389 - switching a message which includes an address header

 400 having a plurality of nodes performing distributed switching

 408 nodes interconnected in hierarchy to form a tree

709 electrical computers and digital processing systems: multicomputer data transferring

 238 computer-to-computer data routing

 243 decentralized controlling

709 electrical computers and digital processing systems: multicomputer data transferring

 252 star or tree computer networking

712 Electrical computers and digital processing systems: processing architectures and instruction processing (e.g., processors)

 1 processing architecture

 10 array processor

 16 array processor operation

 22 single instruction, multiple data (SIMD)

¹ The Examiner is urged to confirm Applicants' good-faith effort to accurately report patent classifications, which Applicants make based on current information available from the USPTO classification, search and PAIR Web sites.

² See footnote 1.

Wahr is believed to be currently classified in 705/42, which Applicants believe to be described by³:

705 Data processing: financial, business practice, management, or cost/price determination
1 automated electrical financial or business practice management arrangement
35 finance (e.g., banking, investment or credit)
39 including fund transfer or credit transaction
42 remote banking (e.g., home banking)

Applicants submit that the above-described classifications relate to art that is clearly in a different field of endeavor and not reasonably pertinent to the particular problem with which Applicants were concerned.

As further evidence that Zak and Wahr are in different fields of endeavor and not reasonably pertinent to the problem with which Applicants were concerned, the structure and functions described in Zak and Wahr are completely different than the structures and functions of Applicants' invention. Applicants' invention, as recited by claim 1, relates to a computer-implemented method comprising receiving by an interaction center agent device, for presentation in a single user interface panel work area, information pertaining to a particular customer with whom a human interaction center agent viewing the user interface panel is interacting in an interaction session; receiving, by the interaction center agent device, for presentation in a common message area on the user interface panel, an electronic broadcast message from a supervisor work station, the electronic broadcast message being received both by the interaction center agent device and by one or more other interaction center agent devices; and displaying the electronic broadcast message in the common message area by automatically scrolling the electronic broadcast message across the common message area, wherein automatically scrolling the electronic broadcast message comprises displaying a text or graphical element of the electronic broadcast message as moving across the common message area.

In contrast to Applicants' invention, Zak is directed to "massively parallel computing systems" and "particularly provides arrangements for controlling processors in a computing system having a large number of processors, for facilitating transfer of data among the processors." (Zak, col. 1, lines 25-29). Also in contrast to Applicants' invention, Wahr is directed to "a banking facility layout and a method and system for user interaction with

³ See footnote 1.

automated and other features at a banking “institution,” including “options to view information on banking capabilities.” (Wahr, col. 1, lines 8-13).

Accordingly, based on Patent Office classifications, and differences in structure and function, both Zak and Wahr are nonanalogous art. Reliance on Zak and Wahr is therefore improper. In re Octiker, 977 F.2d at 1446.

For at least these reasons, the Examiner has failed to establish a *prima facie* case of obviousness with respect to the independent claims, and Applicants request that the obviousness rejections be withdrawn. Independent claims 13 and 25 recite similar language as claim 1, and were “rejected using the same rationale” (Office Action mailed December 27, 2006, page 5) as claim 1. Accordingly, Applicants submit that the § 103 rejection of claims 13 and 25, as well as the dependent claims that depend directly or indirectly from claims 1, 13 and 25, are also improper and request that they be withdrawn.

Claims 6, 18 and 25 are patentable for additional reasons

Claim 25 recites the additional element of receiving input associated with the common message area and pausing the automatic scrolling upon receiving the input. Dependent claims 6 and 18 recite similar limitations. The Examiner did not at all address this element in rejecting independent claim 25. The Examiner rejected the element in claims 6 and 18 based on the combination of Ohnishi, Zak, Wahr and a text box 2212 in FIG. 22 of U.S. Patent Application Publication 2005/0075115 (“Corneille”). Separate from the arguments made above with respect to motivation to combine, and the appropriateness of combining, Ohnishi, Zak and Wahr, adding Corneille does not result in a combination that teaches all elements of claims 6, 18 and 25. In particular, this combination merely teaches a standard *scrollable* text box but does not teach or suggest *pausing automatic scrolling*, as recited by claims 6, 18 and 25. Accordingly, claims 6, 18 and 25 are patentable for additional reasons.

Conclusion

Applicants submit that pending claims 1, 3-4, 6-13, 15-16, 18-25 and 27-28 and 31-39 are in condition for allowance and request that they be allowed. It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to this amendment.

No fee is believed due at this time. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,


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